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09/742,028	12/20/2000	Elizabeth Rosenzweig	80995DMW	8667

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EXAMINER

KE, PENG

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 01/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/742,028

Applicant(s)

ROSENZWEIG ET AL.

Examiner

Peng Ke

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/28/030.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communications: Amendment, filed on 12/20/00.

This action is final.

2. Claims 1-32 are pending in this application. Claims 1 and 7 are independent claims. In the Amendment, filed on 12/30/00

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 9, 17-20, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ubillos (US 6,486,896) in view of Sciammarella et al. (US 5,983,369).

As per claim 1, Ubillos teaches a graphical user interface adapted to browse and retrieve pictures stored in a digital image; database, said graphical user interface comprising (col. 2, lines 8-16):

The examiner infers a database that stores a series of digital images to be a board range of data.

a metadata decoder adapted to decode metadata stored in digital image files;

a first display level constructed with the aid of decoded metadata, said first display level comprising a first metaphor representing the span of time over which pictures stored in said database were captured (col. 2, lines 23-38) and at least a second display level constructed with the aid of decoded metadata and linked to said first display level (col. 2, lines 30-38).

The examiner considers the display that is displayed once user has zoomed in to be a second display level.

However, Ubillos fails to teach the interface further comprises: a plurality of first icons placed on said first metaphor representing predefined temporal intervals, said first icons being proportionately sized to correspond to the number of pictures captured during a predefined temporal interval;

The display of the second level is triggered by activating one of said first icons, said second display level comprising a second metaphor, and second icons placed on said second metaphor for grouping the pictures represented by the activated first icon, said second icons being proportionately sized to correspond to the number of pictures captured for each grouping.

Sciammarella et al. teaches an interface comprises: a plurality of icons that represent different interval of the database, the size of the icon is corresponding to a value (col. 3, lines 13-19); and each icon allows user to “zoom in” for a closer examination of the data.

It would have been obvious to an artisan at the time of the invention to include Sciammarella et al.’s teaching with Ubillos’ interface in order to convey relevant data to the user visually.

As per claim 2, Ubillos and Sciammarella teach the graphical user interface of Claim 1. Ubillos further teaches the graphical user interface wherein the time intervals represented by said

first icons correspond to years, and said second icons correspond to months, according; to decoded metadata (fig. 4, item 12).

As per claim 3, Ubillos and Sciammarella teach the graphical user interface of Claim 2. Ubillos further teaches the graphical user interface comprising:
at least a third display level constructed with the aid of decoded metadata, linked to said second display level and triggered by activating one of said second icons, said third display level comprising a third metaphor, and third icons placed on said third metaphor for grouping the pictures represented by the activated second icon by the day of the week of capture, said third icons being proportionately sized to correspond to the number of pictures captured for each grouping (fig 4, item 21).

The examiner infers day to be the third display level.

As per claim 4, Ubillos and Sciammarella teach the graphical user interface of Claim 3. Ubillos further teaches the graphical user interface comprising:
at least a fourth display level constructed with the aid of decoded metadata, linked to said third display level and triggered by activating one of said third icons, said fourth display level comprising a fourth metaphor, and fourth icons placed on said fourth metaphor for grouping the pictures represented by the activated third icon by the time of day of capture, said fourth icons being proportionately sized to correspond to the number of pictures captured for each grouping (fig 4, item 22)

The examiner infers hour to be the fourth display level.

As per claim 9, Ubillos and Sciammarella teaches the graphical user interface of Claim 1. Ubillos further teaches the graphical user interface wherein the time intervals represented by said first icons correspond to decades during which pictures are captured, and said second icons correspond to years during which pictures are captured, according to decoded metadata (col 3, lines 14-16).

As per claim 17, it is rejected with same rationale as claim 1. (see rejection above)

As per claim 18, it is of the same scope as claim 2. (see rejection above)

As per claim 19, it is of the same scope as claim 3. (see rejection above)

As per claim 20, it is of the same scope as claim 4. (see rejection above)

As per claim 25, it is of the same scope as claim 9. (see rejection above)

Claims 5-8, 10-16, 21-24, and 26-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ubillos (US 6,486,896) in view of Sciammarella et al.(US 5,983,369) further in view of Patton et al.(US 6,408,301).

As per claim 5, Ubillos and Sciammarella et al. teach the graphical user interface of Claim 1, wherein the time intervals represented by said first icons correspond to years. However they fail to teach the second icons correspond to identify events during which pictures are captured, according to decoded metadata. Patton et al. teaches an interface that uses icons to identify the series of pictures that are related to an event (col. 6, lines 5-8). It would have been obvious to an artisan at the time of the invention to include Patton et al.'s teaching with the interface of Ubillos and Sciammarella et al. in order to sort pictures in to event related group.

As per claim 6, Ubillos, Sciammarella et al. and Patton et al. teach the graphical user interface of Claim 5, Ubillos further teaches wherein the display position of said second

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metaphor is substantially perpendicular to the display position of said first metaphor (fig 5b, item 13).

As per claim 7, Ubillos and Sciammarella et al. teach the graphical user interface of Claim 1, wherein the time intervals represented by said first icons correspond to years. However they fail to teach the second icons correspond to identify locations from which pictures are captured, according to decoded metadata. Patton et al. teaches an interface that uses icons to identify the series of pictures that are related to a location (col. 8, lines. 22-29). It would have been obvious to an artisan at the time of the invention to include Patton et al.'s teaching with the interface of Ubillos and Sciammarella et al. in order to sort pictures in to location related group.

As per claim 8, Ubilios and Sciammarella et al. teach the graphical user interface of Claim 1, wherein the time intervals represented by said first icons correspond to years. However they fail to teach the second icons correspond to identified people present in pictures, according to decoded metadata. Patton et al. teaches an interface that uses icons to identify the series of pictures that are related to an location (col. 6, lines 9-15). It would have been obvious to an artisan at the time of the invention to include Patton et al.'s teaching with the interface of Ubillos and Sciammarella et al. in order to sort pictures in to people related group.

As per claim 10, Ubilios and Sciammarell et al. teach the graphical user interface of Claim 1. However they fail to teach the graphical user interface further comprising an additional display level constructed with the aid of decoded metadata, linked to said second display level and triggered by activating one of said second icons, said additional display level comprising additional level thumbnail icons of the pictures represented by the activated second icon. Patton et al. teaches using thumbnail icons to present index of pictures (col 6, lines 9-21). It would have

been obvious to an artisan at the time of the invention to include Patton et al.'s teaching with the interface of Ubillos and Sciammarella et al. in order to allow quick browsing through multiple images or pages.

As per claim 11, Ubillos and Sciammarella et al. teach the graphical user interface of Claim 1, wherein the time intervals represented by said first icons correspond to years and said second icons correspond to months, according to decoded metadata (fig. 4, item 12). However they fail to teach said graphical user interface further comprising an additional display level constructed with the aid of decoded metadata, linked to said second display level and triggered by activating one of said second icons, said additional display level comprising additional level thumbnail icons of the pictures represented by the activated second icon. Patton et al. teaches using thumbnail icons to present index of pictures (col 6, lines 9-21). It would have been obvious to an artisan at the time of the invention to include Patton et al.'s teaching with the interface of Ubillos and Sciammarella et al. in order to allow quick browsing through multiple images or pages.

As per claim 12, Ubillos and Sciammarella et al. teach the graphical user interface of Claim 3. However they fail to teach said interface comprising an additional display level constructed with the aid of decoded metadata, linked to said third display level and triggered by activating one of said third icons, said additional display level comprising additional level thumbnail icons of the pictures represented by the activated third icon. Patton et al. teaches using thumbnail icons to present index of pictures (col 6, lines 9-21). It would have been obvious to an artisan at the time of the invention to include Patton et al.'s teaching with the interface of Ubillos and Sciammarella et al. in order to allow quick browsing through multiple images or pages.

As per claim 13, Ubilios and Sciammarel et al. teaches the graphical user interface of Claim 4. However they fail to teach said interface further comprising an additional display level constructed with the aid of decoded metadata, linked to said fourth display level and triggered by activating one of said fourth icons, said additional display level comprising additional level thumbnail icons of the pictures represented by the activated fourth icon. Patton et al. teaches using thumbnail icons to present index of pictures (col 6, lines 9-21). It would have been obvious to an artisan at the time of the invention to include Patton et al.'s teaching with the interface of Ubilios and Sciammarella et al. in order to allow quick browsing through multiple images or pages.

As per claim 14, Ubilios and Sciammarel et al. teaches the graphical user interface of Claim 1, wherein the time intervals represented by said first icons correspond to years. However they fail teach said second icons correspond to identified events during which pictures are captured, according to decoded metadata, said graphical user interface further comprising an additional display level constructed with the aid of decoded metadata, linked to said second display level and triggered by activating one of said second icons, said additional display level comprising additional display level thumbnail icons of the pictures represented by the activated second icon. . Patton et al. teaches an interface that uses icons to identify the series of pictures that are related to an event (col. 6, lines 5-8) and using thumbnail icons to present index of pictures (col 6, lines 9-21). It would have been obvious to an artisan at the time of the invention to include Patton et al.'s teaching with the interface of Ubilios and Sciammarella et al. in order to sort pictures in to event related group and to allow quick browsing through multiple images or pages.

As per claim 15, Ubilios and Sciammarel et al. teaches the graphical user interface of Claim 1, wherein the time intervals represented by said first icons correspond to years. However they fail to teach said second icons correspond to identified locations from which pictures are captured, according to decoded metadata, said graphical user interface further comprising an additional display level constructed with the aid of decoded metadata, linked to said second display level and triggered by activating one of said second icons, said additional display level comprising additional display level thumbnail icons of the pictures represented by the activated second icon. Patton et al. teaches an interface that uses icons to identify the series of pictures that are related to a location (col. 8, lines. 22-29) and using thumbnail icons to present index of pictures (col 6, lines 9-21). It would have been obvious to an artisan at the time of the invention to include Patton et al.'s teaching with the interface of Ubilios and Sciammarella et al. in order to sort pictures in to location related group and to allow quick browsing through multiple images or pages.

As per claim 16, Ubilios and Sciammarel et al. teaches the graphical user interface of Claim 1, wherein the time intervals represented by said first icons correspond to years. However they fails to teach said second icons correspond to identified people present in pictures, according to decoded metadata, said graphical user interface further comprising an additional display level linked to said second display level and triggered by activating one of said second icons, said additional display level comprising additional display level thumbnail icons of the pictures represented by the activated second icon. Patton et al. teaches an interface that uses icons to identify the series of pictures that are related to an location (col. 6, lines 9-15) and using thumbnail icons to present index of pictures (col 6, lines 9-21). It would have been obvious to an

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artisan at the time of the invention to include Patton et al.'s teaching with the interface of Ubillos and Sciammarella et al. in order to sort pictures in to people related group and to allow quick browsing through multiple images or pages.

As per claim 21, it is of the same scope as claim 5. (see rejection above)

As per claim 22, it is of the same scope as claim 6. (see rejection above)

As per claim 23, it is of the same scope as claim 7. (see rejection above)

As per claim 24, it is of the same scope as claim 8. (see rejection above)

As per claim 26, it is of the same scope as claim 10. (see rejection above)

As per claim 27, it is of the same scope as claim 11. (see rejection above)

As per claim 28, it is of the same scope as claim 12. (see rejection above)

As per claim 29, it is of the same scope as claim 13. (see rejection above)

As per claim 30, it is of the same scope as claim 14. (see rejection above)

As per claim 31, it is of the same scope as claim 15. (see rejection above)

As per claim 32, it is of the same scope as claim 16. (see rejection above)

Response to Argument

Applicant's arguments filed on 1/13/04 have been fully considered but they are not persuasive.

Applicant's arguments include the following:

1) Neither Ubillos nor Sciammarella et al. individually or in combination teach limitations of claim 1:

A) An object that is proportionately sized to correspond to the number of pictures captured during a predefined temporal interval.

B) And the object links to a second object.

C) The object is an icon.

2) There is no motivation to combine Ubillos and Sciammarella et al.

Examiner disagrees.

1) Examiner agrees that neither Ubillos nor Sciammarella et al. individually teaches claim 1.

However by combining Ubillos with Sciammarella et al, the limitations of claim 1 will be covered.

A) Ubillos teaches a scroll bar is proportionally sized of the number of documents captured during a predefined temporal interval. (col. 2, lines 23-38; It is inherent that data saved within a year is more than the data saved with in a month of the year.)

B) Sciammarella et al. teaches the object is linked to an another object. (col. 5, lines 25-51, fig 4 and fig 5)

C) Sciammarella et al. teaches the object being an icon (col. 3, lines 48-61)

2) Sciammarella et al. provided a reason for combining its feature with Ubillos's method (col. 1, lines 64-65), which is to provide user with relevancy of the data visually.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (703) 305-7615. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L Kincaid can be reached on (703) 308-0640. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Peng Ke

Kristine Kincaid
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